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EXAMINER
WRIGHT, BRYAN F

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/534,163	CASS, JOHN PATRICK
	Examiner	Art Unit
	BRYAN WRIGHT	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 November 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-29</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 May 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All   b)☐ Some * c)☐ None of:

       1.☒ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date <u>5/5/2005</u>.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is in response to the original filing of November 8, 2005. Claims (1-

29) are pending and have been considered below.

Priority

2.   Applicant's claim for benefit of foreign priority under 35 U.S.C. 119 (a) - (d) is

acknowledged.

The application is filed on November 8, 2005 but is a 371 case of

PCT/IB03/04895 application filed 10/31/2003 and has a foreign priority application

02102558.0 filed on 11/12/2002 and foreign priority application 03100282.7. filed on

11/02/2003.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Vazvan (International Publication No. WO 97/45814 (cited from IDS)) in view of

Hutchinson (US Patent No. 7,260,391).

4.   As to claim 1, Vazvan teaches a **device for processing user information** (i.e.,

Vazvan teaches a wireless/cellular terminal used to allow individuals to perform remote

purchases [abstract; lines 1-4]), **the device being arranged for cooperation with use**

enabling means (i.e., … teaches a terminal with means to receive and transmit to/from

other terminals [abstract; lines 4-8]) **the use enabling means being arranged for**

taking a first security feature into account which first security feature (i.e.,

antenna signal) **corresponds to a data circuit and can be applied to the use**

enabling means and is formed by movement data (i.e., Vazvan teaches a security

feature in the form of a signal generated by a cellular phone and propagated through

the cellular phone antenna [fig. 1] (note: paragraph 22 of applicant's specification states

" *single antenna signal already a movement is available as a first security*

feature"), **and the use enabling means being arranged for enabling the use of the**

device if the movement data correspond to fixedly predefined specified

movement data (i.e., … teaches in [fig. 1] wireless communication environment. Those

skilled in the art would recognize limitation of signal propagation within a wireless

medium, such that a wireless device outside a predetermine range will not be afforded

proper communication [i.e., enabling means])

However Vazvan does not expressly teach: **the movement data representing a**

movement of the at least one data circuit along at least one defined track

However, these features are well known in the art and would have been an obvious

modification of the system disclosed by Vazvan as introduced by Hutchinson.

Hutchinson discloses: **the movement data representing a movement of the at least**

one data circuit along at least one defined track (for movement data representing a

data circuit Hutchinson provide a use of a Cartesian coordinate system to determine

movement data [col. 8, lines 5-15]).

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at

the time of the invention would have recognized the desirability and advantage of

modifying Vazvan by employing the well known features of using a Cartesian coordinate

system to determine movement data disclosed above by Hutchinson, for which data

circuit movement detection will be enhanced [col. 8, lines 5-15].

5.   As to claim 2, Vazvan teaches a **device the use enabling means being**

arranged for taking a second security feature into account in addition to the first

security feature (i.e., teaches a P-Pin in conjunction with a PIN [pg. 6, lines 9-15]), **the**

second security feature (i.e., PIN) **corresponding to a data circuit and being**

feedable to the use enabling means and the use enabling means being arranged

for enabling the use of the device if in addition to the movement data

corresponding to the fixedly predefined specified movement data the second

security feature corresponds to specified security code information (i.e., …

teaches a PIN code for access to network [pg. lines 12-15] Further, [fig. 9] illustrates the

use of a PIN code. Also, Vazvan teaches in [fig. 1] wireless communication

environment. Those skilled in the art would recognize limitation of signal propagation

within a wireless medium, such that a wireless device outside a predetermine range will

not be afforded proper communication [i.e., enabling means])

6.   As to claim 3, Vazvan teaches a **device being arranged for contactless**

communication with at least one data circuit (i.e., … teaches a wireless/cellular

terminal [abstract; lines 1]), **the data circuit on its part being arranged for**

contactless communication and the device [fig. 1], **using contactless**

communication between the device and the data circuit [fig.3], **being arranged for**

feeding both the first security feature and the second security feature (i.e., PIN)

to the use enabling means (i.e., … teaches a P-PIN and PIN [pg. 6, lines 9-20]; fig.

6]).

7.   As to claim 4, Vazvan teaches a **device comprising a data circuit by**

means of which the use enabling means are realized [fig. 9], **the data circuit**

comprising first communication means arranged for contactless communication

and for feeding the first security feature (i.e., antenna signal) **to the data circuit and**

the data circuit comprising second communication means arranged for contact-

bound communication (i.e., keypad) **and for feeding the second security feature**

(i.e., PIN) **to the data circuit** (i.e., … teaches wireless communication (i.e., contactless)

[fig. 1] Further, Vazvan teaches the use of a keypad and PIN [fig.9]).

8.   As to claim 5, Vazvan teaches a **device being arranged for contactless**

communication with at least one data circuit (i.e., … teaches a wireless/cellular

terminal [abstract; lines 1]), **the data circuit in its turn being arranged for**

contactless communication and the device being arranged for receiving a signal

produced by at least one data circuit and the use enabling means [fig. 1],

However Vazvan does not expressly teach:

     using the received signal, being arranged for detecting the movement of

the at least one data circuit.

However, these features are well known in the art and would have been an obvious

modification of the system disclosed by Vazvan as introduced by Hutchinson.

Hutchinson discloses:

     using the received signal, being arranged for detecting the movement of

the at least one data circuit (to detect movement Hutchinson provides the capability to

detect a position by use of Cartesian coordinate system [col. 8, lines 5-15]).

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at

the time of the invention would have recognized the desirability and advantage of

modifying Vazvan by employing the well known features of movement detection using a

Cartesian coordinate system disclosed above by Hutchinson, for which movement

detection will be enhanced [col. 8, lines 5-15].

9.   As to claims 6, the system disclose by Vazvan shows substantial features of the

claimed invention (discussed in the paragraphs above), It fails to disclose:

> **A device use enabling means being arranged for detecting the movement**
>
> **of the at least one data circuit while three coordinates of the space and a**
>
> **time-dependent change of the three coordinates are taken into account**
>
> (claim 6).

However, these features are well known in the art and would have been an obvious

modification of the system disclosed by Vazvan as introduced by Hutchinson.

Hutchinson discloses:

> **A device use enabling means being arranged for detecting the movement**
>
> **of the at least one data circuit while three coordinates of the space and a**
>
> **time-dependent change of the three coordinates are taken into account**
>
> (claim 6) (to detect movement Hutchinson provides the capability to detect a
>
> position by use of Cartesian coordinate system [col. 8, lines 5-15]).

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at

the time of the invention would have recognized the desirability and advantage of

modifying Vazvan by employing the well known features of movement detection using a

Cartesian coordinate system disclosed above by Hutchinson, for which movement

detection will be enhanced [col. 8, lines 5-15].

10.   As to claim 7, Vazvan teaches **a device being arranged for receiving the**

specified movement data (i.e. signal) **assigned to the second security feature** (i.e.,

PIN) **representing the specified state of the movement while the data circuit is**

taken into account, to which data circuit the second security feature (i.e. PIN)

corresponds (i.e., ... Vazvan teaches a Pin use to gain network access [pg. 6, lines 10-

15] Vazvan illustrates signal propagation within a wireless medium [fig. 1] Vazvan

further teaches in a [fig. 2] signal definition and processing such that an illustration a

PIN and corresponding PIN trace signal being propagated through the medium).

11.   As to claim 8, Vazvan teaches a **method of enabling a use of a device for**

processing user information (i.e., Vazvan teaches a wireless/cellular terminal used to

allow individuals to perform remote purchases [abstract; lines 1-4]), **the use of the**

device being enabled by use enabling means taking account of a first security

feature (i.e., ... teaches the use of a SIM card [pg. 6, lines 15-20] Further, those skilled

in the art would recognize the security feature of a SIM as to a SIM-operated device is

inoperable without the designated SIM card), **the first security feature corresponding**

to at least one data circuit and being applied to the use enabling means and being

formed by movement data (i.e., Vazvan teaches a security feature in the form of a

signal generated by a cellular phone and propagated through the cellular phone

antenna [fig. 1] (note: paragraph 22 of applicant's specification states " *single antenna*

signal already a movement is available as a first security feature")

However Vazvan does not expressly teach:

the movement data representing a movement of the at least one data circuit

along at least one defined track and the use of the device being enabled if the

movement data correspond to fixedly predefined specified movement data.

However, these features are well known in the art and would have been an obvious

modification of the system disclosed by Vazvan as introduced by Hutchinson.

Hutchinson discloses:

the movement data representing a movement of the at least one

data circuit along at least one defined track and the use of the device being

enabled if the movement data correspond to fixedly predefined specified

movement data (to provide movement data Hutchison provides the ability to detect

position (e.g., movement data) based on a Cartesian coordinate system [col. 8, lines 5-

15]).

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at

the time of the invention would have recognized the desirability and advantage of

modifying Vazvan by employing the well known features of movement detection using a

Cartesian coordinate system disclosed above by Hutchinson, for which movement

detection will be enhanced [col. 8, lines 5-15].

12.   As to claim 9, Vazvan teaches a **method in which for enabling the use of the**

device a second security feature is taken into account by the use enabling means

in addition to the first security feature (i.e., … teaches a P-PIN and PIN [pg. 6, lines

9-20]; fig. 6]), **the second security feature corresponding to a data circuit and**

being fed to the use enabling means (i.e., … teaches entering a PIN [fig. 9]), **the**

second security feature corresponds to specified security information (i.e., …

teaches the PIN allowing network access [pg. 6, lines 10-15]).

However Vazvan does not expressly teach: **use of the device being enabled by the**

use enabling means if in addition to the movement data, corresponding to the

fixedly predefined specified movement data,

However, these features are well known in the art and would have been an obvious

modification of the system disclosed by Vazvan as introduced by Hutchinson.

Hutchinson discloses: **the use of the device being enabled by the use enabling**

means if in addition to the movement data, corresponding to the fixedly

predefined specified movement data (for purposes determining movement data

Hutchinson provides the ability to detect position (e.g., movement data) based on a

Cartesian coordinate system [col. 8, lines 5-15]).

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at

the time of the invention would have recognized the desirability and advantage of

modifying Vazvan by employing the well known features of movement detection using a

Cartesian coordinate system disclosed above by Hutchinson, for which movement

detection will be enhanced [col. 8, lines 5-15].

13.   As to claim 10, Vazvan teaches a **method in which a first security feature and**

a second security feature are used which both correspond to a single data circuit

(i.e., teaches a P-Pin in conjunction with a PIN [pg. 6, lines 9-15]).

14.   As to claim 11, Vazvan teaches a **method in which contactless**

communication takes place between the device which is arranged for contactless

communication and at least one data circuit [fig. 1], **which data circuit in its turn is**

arranged for contactless communication (i.e., Vazvan teaches a wireless/cellular

terminal used to allow individuals to perform remote purchases [abstract; lines 1-4]),

and in which during contactless communication both the first security feature

(i.e., P-PIN) **and the second security** (i.e., PIN) **feature are fed to the use enabling**

means to enable the use of the device (i.e., teaches a P-Pin in conjunction with a PIN

[pg. 6, lines 9-15]).

15.   As to claim 12, Vazvan teaches a **method in which a data circuit is used for**

enabling the use of the device (i.e., ... teaches the use of a smart card or SIM card [pg. 6, lines 15-20]), **which data circuit is inserted in the device for executing the method and by means of which data circuit the use enabling means are realized and which data circuit comprises first communication means which are arranged for contactless communication and for feeding the first security feature to the data circuit** (i.e., ... teaches the use of a SIM card [pg. 6, lines 15-20] Further, those skilled in the art would recognize the security feature of a SIM as to a SIM-operated device is inoperable without the designated SIM card), **and which data circuit comprises second communication means which are arranged for contact-bound communication and for feeding the second security feature to the data circuit** (i.e., teaches a P-Pin in conjunction with a PIN [pg. 6, lines 9-15]).

16.   As to claim 13, Vazvan teaches a **method in which at least one data circuit** (i.e., SIM card) **arranged for contactless communication** (i.e., cellular network) **and inserted in a communication area of the device produces a signal and this signal is received by the device in a contactless manner and in which the movement of the at least one data circuit is detected by utilizing the received signal** (i.e., ... teaches the use of SIM operated portable terminals [pg. 3, lines 1-6] Further, those skilled in the art would recognize the security feature of a SIM as to a SIM-operated device is inoperable (ii.e., can not communicate in the network) without the designated SIM card).

However Vazvan does not expressly teach:

in which the movement of the at least one data circuit is detected by

utilizing the received signal,

However, these features are well known in the art and would have been an obvious

modification of the system disclosed by Vazvan as introduced by Hutchinson.

Hutchinson discloses:

in which the movement of the at least one data circuit is detected by

utilizing the received signal (for purposes detecting movement of a data circuit

Hutchinson provides the ability to detect position (e.g., **movement data**) based on a

Cartesian coordinate system [col. 8, lines 5-15])**.**

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at

the time of the invention would have recognized the desirability and advantage of

modifying Vazvan by employing the well known features of movement detection using a

Cartesian coordinate system disclosed above by Hutchinson, for which movement

detection will be enhanced [col. 8, lines 5-15].

17.   As to claims 14, the system disclose by Vazvan shows substantial features of

the claimed invention (discussed in the paragraphs above), It fails to disclose:

A method in which the movement of the at least one data circuit is detected by taking three coordinates of the space into account as well as a time-dependent change of the three coordinates (claim 14)

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Vazvan as introduced by Hutchinson. Hutchinson discloses:

A method in which the movement of the at least one data circuit is detected by taking three coordinates of the space into account as well as a time-dependent change of the three coordinates (claim 14) (to detect movement Hutchinson provides the capability to detect a position by use of Cartesian coordinate system [col. 8, lines 5-15]).

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Vazvan by employing the well known features of movement detection using a Cartesian coordinate system disclosed above by Hutchinson, for which movement detection will be enhanced [col. 8, lines 5-15].

18.   As to claim 15, Vazvan teaches **a method in which the device receives the
specified movement data, which are assigned to the second security feature and
represent the specified status of the movement** [fig. 2].

19.   As to claim 16, Vazvan teaches **a data carrier for enabling the use of a
device, comprising an electric circuit, the electric circuit comprising use
enabling means and the circuit comprising components for realizing first
communication means of the data carrier which are arranged for the contactless
communication** (i.e., wireless) **and provided for applying a first security feature to
the use enabling means** (i.e., ... teaches a device for which contains an electric circuit
[fig. 9] Further said device communicates in a wireless environment [fig. 3] Vazvan
teaches a security feature in the form of a signal generated by a cellular phone and
propagated through the cellular phone antenna [fig. 1] (note: paragraph 22 of
applicant's specification states " *single antenna signal already a movement is
available as a first security feature*")) **which first security feature** (i.e., antenna
signal) **corresponds to at least one data circuit and is formed by movement data**
(i.e., signal), **the movement data representing a movement of the at least one data
circuit along at least one track and the use enabling means being arranged for
taking the first security feature into account and for generating a use enabling
signal if the movement data correspond to fixedly predefined specified movement
data** (i.e., ... teaches in [fig. 1] wireless communication environment. Those skilled in
the art would recognize limitation of signal propagation within a wireless medium, such

that a device outside a predetermine range will not be afforded proper communication

[i.e., enabling means])

However Vazvan does not expressly teach: **movement data representing a movement of the at least one data circuit along at least one track**

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Vazvan as introduced by Hutchinson.

Hutchinson discloses: **movement data representing a movement of the at least one data circuit along at least one track** (for movement data representing a data circuit Hutchinson provide a use of a Cartesian coordinate system to determine movement data [col. 8, lines 5-15])**.**

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Vazvan by employing the well known features of movement data computation using a Cartesian coordinate system disclosed above by Hutchinson, for which data circuit movement detection will be enhanced [col. 8, lines 5-15].

20.   As to claim 17, Vazvan teaches a **data carrier in which the circuit comprises components for realizing second communication means of the data carrier which are arranged for contact-bound communication** (i.e., Keypad) **and which are arranged for applying a second security feature to the use enabling means** (i.e., ...

teaches a keypad for contact-bond (e.g., PIN entry) communication [fig. 9]), **which**

second security feature (i.e., PIN) **corresponds to the data carrier and in which the**

use enabling means in addition to the first security feature are arranged for taking

the second security feature (i.e., PIN) **into account and in which the use enabling**

means are arranged for enabling the use of the device if in addition to the

movement data which correspond to the fixedly predefined specified movement

data, the second security feature corresponds to specified security information

(i.e., … teaches the PIN allowing network access [pg. 6, lines 10-15]).

21.   As to claim 18, Vazvan teaches a **data carrier in which the circuit can be**

connected to an antenna configuration by which antenna configuration at least

one antenna signal can be delivered to the circuit during contactless

communication (i.e., ... teaches the use a mobile phone in a wireless/cellular network

[fig. 1]) **and in which the use enabling means** (i.e., wireless/ cellular network) **while**

using the at least one antenna signal is arranged for taking account of the

movement of the at least one data circuit as a first security feature (i.e., teaches

base station with antennas communicating with a mobile phone [fig. 3]).

However Vazvan does not expressly teach: **taking account of the movement**.

However, these features are well known in the art and would have been an obvious

modification of the system disclosed by Vazvan as introduced by Hutchinson.

Hutchinson discloses the practice of position detection utilizing a Cartesian coordinate

system to determine position (i.e., **taking account of the movement**) [col. 8, lines 5-15].

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Vazvan by employing the well known features of movement detection using a Cartesian coordinate system disclosed above by Hutchinson, for which movement detection will be enhanced [col. 8, lines 5-15].

22.   As to claim 19, Vazvan teaches a **data carrier in which the use enabling means comprise a signal processing stage which is arranged for receiving the at least one antenna signal and for evaluating the at least one antenna signal with respect to at least one signal information item representing the first security feature**(i.e., antenna signal) (i.e., … teaches signal receiving and transmittal via antenna between mobile phone and base station [fig. 3] Further, the signal transmission and processing is described in [fig. 2]).

23.   As to claims 20, the system disclose by Vazvan shows substantial features of the claimed invention (discussed in the paragraphs above), It fails to disclose:

> **A data carrier in which the use enabling means comprise a movement detection stage which is arranged for detecting the movement of the at least one data circuit while using at least one signal information item**

contained in the at least one antenna signal and representing the first

security feature (claim 20).

However, these features are well known in the art and would have been an obvious

modification of the system disclosed by Vazvan as introduced by Hutchinson.

Hutchinson discloses:

> **A data carrier in which the use enabling means comprise a movement**
>
> **detection stage which is arranged for detecting the movement of the at**
>
> **least one data circuit while using at least one signal information item**
>
> **contained in the at least one antenna signal and representing the first**
>
> **security feature** (claim 20) (for enabling means comprising of movement
>
> detection Hutchinson provides the capability to detect a position by use of
>
> Cartesian coordinate system [col. 8, lines 5-15])**.**

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at

the time of the invention would have recognized the desirability and advantage of

modifying Vazvan by employing the well known features of movement detection using a

Cartesian coordinate system disclosed above by Hutchinson, for which movement

detection will be enhanced [col. 8, lines 5-15].

24.   As to claim 21, Vazvan teaches a **data carrier in which the use enabling**

means (5) comprise a security feature processing stage (10) (i.e., signal processing

[fig.2]) **which is arranged for receiving movement data (PD, VD, AD) forming the first security feature** (i.e., antenna signal) **and for receiving data (SCD) representing the second security feature** (i.e., PIN [fig. 9])) and which, if the movement data correspond to the specified movement data and the data representing the second security feature correspond to the specified security information are arranged for generating and delivering the use enabling signal (i.e., ... teaches a PIN use for network access [pg. 6, lines 10-15] Further, Vazvan teaches a host computer for processing and authentication [fig. 2]).

However Vazvan does not expressly teach: **if the movement data correspond to the specified movement data** However, these features are well known in the art and would have been an obvious modification of the system disclosed by Vazvan as introduced by Hutchinson. Hutchinson discloses: the ability to determine position data using a Cartesian coordinate system [col. 8, lines 5-15]. As such Vazvan teaching of host computer processing capability in [fig. 2] and wireless communication environment in [fig. 1] modified with Hutchison ability to determine data circuit movement coordinates suggest the combination possession of the necessitated components as described in applicant's specification [i.e., **antenna signal and Cartesian coordinate system**] to render a security feature determinant on corresponding data circuit movement data (i.e., **if the movement data correspond to the specified movement data**).

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at

the time of the invention would have recognized the desirability and advantage of

modifying Vazvan by employing the well known features of movement detection using a

Cartesian coordinate system disclosed above by Hutchinson, for which movement

detection will be enhanced [col. 8, lines 5-15].

25.   As to claim 22, Vazvan teaches a **data carrier in which the use enabling**

means are arranged for delivering the use enabling signal to the second

communication means (i.e., ... teaches plurality of signal transmission [fig. 1]).

26.   As to claim 23, Vazvan teaches a **circuit for a data carrier for enabling a use**

of a device, which circuit comprises use enabling means and which circuit

comprises components for realizing first communication means of the data

carrier which are arranged for the contactless communication and are provided

for applying a first security feature (i.e., antenna signal) **to the use enabling means,**

which first security feature corresponds to at least one data circuit and is formed

by movement data (i.e., Vazvan teaches a security feature in the form of a signal

generated by a cellular phone and propagated through the cellular phone antenna [fig.

1] (note: paragraph 22 of applicant's specification states " *single antenna signal*

already a movement is available as a first security feature")),

However Vazvan does not expressly teach:

the movement data representing a movement of the at least one data circuit along at least one track and the use enabling means being arranged for taking the first security feature into account and for generating a use enabling signal if the movement data (PD, VD, AD) correspond to fixedly predefined specified movement data.

However, these features are well known in the art and would have been an obvious modification of the system disclosed by Vazvan as introduced by Hutchinson. Hutchinson discloses:

the movement data representing a movement of the at least one data circuit along at least one track and the use enabling means being arranged for taking the first security feature into account and for generating a use enabling signal if the movement data (PD, VD, AD) correspond to fixedly predefined specified movement data (for purposes of determining movement data Hutchinson provides the capability to detect a position by use of Cartesian coordinate system [col. 8, lines 5-15]).

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Vazvan by employing the well known features of movement detection using a Cartesian coordinate system disclosed above by Hutchinson, for which movement detection will be enhanced [col. 8, lines 5-15].

27.   As to claim 24, Vazvan teaches a **circuit in which the circuit comprises**

components for realizing first communication means of the data carrier which are

arranged for contact-bound (i.e., Keypad) **communication and are provided for**

applying a second security feature (i.e., PIN) **to the use enabling means which**

second security feature (i.e., PIN) **corresponds to the data carrier** (i.e., ... teaches

entering a PIN into a mobile phone [fig. 9]) **and in which the use enabling means in**

addition to the first security feature (i.e., antenna signal) **are arranged for taking**

account of the second security feature (i.e., PIN) **and in which the use enabling**

means are arranged for enabling the use of the device if, in addition to the

movement data which correspond to the fixedly predefined specified movement

data, the second security feature corresponds to a specified security information

item (i.e., ... teaches the PIN allowing network access [pg. 6, lines 10-15] further

teaches in [fig. 1] wireless communication environment. Those skilled in the art would

recognize limitation of signal propagation within a wireless medium, such that a wireless

device outside a predetermine range will not be afforded proper communication [i.e.,

enabling means])**.**

28.   As to claim 25, Vazvan teaches a **circuit in which the circuit can be**

connected to an antenna configuration from which antenna configuration during

contactless communication at least one antenna signal can be delivered to the

circuit and in which the use enabling means, while using the at least one antenna signal, is arranged for taking account of the movement of the at least one data circuit (i.e., ... teaches the use a mobile phone in a wireless/cellular network [fig. 1]) and in which the use enabling means (i.e., wireless/ cellular network) while using the at least one antenna signal is arranged for taking account of the movement of the at least one data circuit as a first security feature (i.e., teaches base station with antennas communicating with a mobile phone [fig. 3]).

However Vazvan does not expressly teach: **taking account of the movement**. However, these features are well known in the art and would have been an obvious modification of the system disclosed by Vazvan as introduced by Hutchinson. Hutchinson discloses the practice of position detection utilizing a Cartesian coordinate system to determine position (i.e., **taking account of the movement**) [col. 8, lines 5-15].

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at the time of the invention would have recognized the desirability and advantage of modifying Vazvan by employing the well known features of movement detection using a Cartesian coordinate system disclosed above by Hutchinson, for which movement detection will be enhanced [col. 8, lines 5-15].

29.   As to claim 26, Vazvan teaches a **circuit in which the use enabling means**

comprise a signal processing stage, which is arranged for receiving the at least

one antenna signal and for evaluating the at least one antenna signal with respect

to at least one signal information item representing the first security feature (i.e.,

… teaches signal receiving and transmittal via antenna between mobile phone and base

station [fig. 3] Further, the signal transmission and processing is described in [fig. 2])..

30.   As to claims 27, the system disclose by Vazvan shows substantial features of

the claimed invention (discussed in the paragraphs above), It fails to disclose:

> **A circuit in which the use enabling means comprise a movement detection**
>
> **stage which is arranged for detecting the movement of the at least one data**
>
> **circuit while use is made of at least one signal information item contained**
>
> **in the at least one antenna signal and representing the first security feature**
>
> (claim 27)

However, these features are well known in the art and would have been an obvious

modification of the system disclosed by Vazvan as introduced by Hutchinson.

Hutchinson discloses:

> **A circuit in which the use enabling means comprise a movement detection**
>
> **stage which is arranged for detecting the movement of the at least one data**
>
> **circuit while use is made of at least one signal information item contained**

in the at least one antenna signal and representing the first security feature

(claim 27) (for enabling means comprising of movement detection Hutchinson

provides the capability to detect a position by use of Cartesian coordinate system

[col. 8, lines 5-15]).

Therefore, given the teachings of Hutchinson, a person having ordinary skill in the art at

the time of the invention would have recognized the desirability and advantage of

modifying Vazvan by employing the well known features of movement detection using a

Cartesian coordinate system disclosed above by Hutchinson, for which movement

detection will be enhanced [col. 8, lines 5-15].

31.   As to claim 28, Vazvan teaches a **circuit in which the use enabling means**

comprise a security feature processing stage which is arranged for receiving

movement data forming the first security feature (i.e., antenna signal) **and for**

receiving data representing the second security feature (i.e., PIN) **and which, if the**

movement data correspond to the specified movement data and the data

representing the second security feature correspond to the specified security

code information (i.e., ... teaches the use of a PIN for access [pg. 6, lines 10-15]), **is**

arranged for generating and for delivering the use enabling signal (i.e., Vazvan

teaches a security feature in the form of a signal generated by a cellular phone and

propagated through the cellular phone antenna [fig. 1] (note: paragraph 22 of

applicant's specification states " *single antenna signal already a movement is available as a first security feature*") Vazvan further teaches a use of a PIN [fig. 9])

32.   As to claim 29, Vazvan teaches a **circuit in which the use enabling means are arranged for delivering the use enabling signal to the second communication means** (i.e., ... teaches a plurality of signal transmission [fig. 1]).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN WRIGHT whose telephone number is (571)270-3826. The examiner can normally be reached on 8:30 am - 5:30 pm Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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